Amendments to the Drawings:

The attached New sheets of Figures 1-4 are provided as deemed necessary by the Office for understanding of the invention.

REMARKS

Claim Status

Claims 1 - 11 are pending in the present application. No amendments to the claims are included herein. Therefore, no additional claims fee is believed to be due.

The Office has indicated that claims 7-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

The Office has indicated that the subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicants assert that the invention is easily understandable by one skilled in the art to be directed to an absorbent article that includes a wetness indicator comprising a graphic further comprising a responsive color composition and an adjacently disposed varnish coating wherein the graphic appears when the article is wetted. In order to progress prosecution, Applicants have, however, provided New Sheets of Figures 1-4 that illustrate embodiments of the claimed invention. Support for these drawings and the new paragraph inserted at page 2 to describe them is found in the claims as originally filed. In view of the submission of the New Sheets of Figures 1-4 Applicants assert that the invention is even more clearly understood by a skilled artisan.

Double Patenting

Claims 1-6 and 11 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 10/827,087. The Office states that the conflicting claims are not identical but they are not patentably distinct from each other because the '087 application teaches every material limitation of the present claimed invention except for the specific types of varnish, non-aqueous solvents and acetates.

Applicants respectfully traverse the double patenting rejection because the claims of the present invention are patentably distinct from the claims of cited application that is commonly owned with the present application. Even the Office has cited the additional limitations that are present in the present application that are absent in the cited application. In order to simplify the issues in the present application, however,

Applicants concurrently submit with this response the appropriate Terminal Disclaimer over the co-owned US application. In submitting this Terminal Disclaimer, Applicants state for the record that this Terminal Disclaimer is not an admission of obviousness. In fact, the Federal Circuit has held that:

> [T]he filing of a terminal disclaimer "simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection."

Quad Envtl. Techs. Corp. v. Union San. Dist., 20 USPQ2d 1392 (Fed. Cir. 1991).

Applicants therefore submit that the provisional obviousness-type double patenting rejections have been overcome.

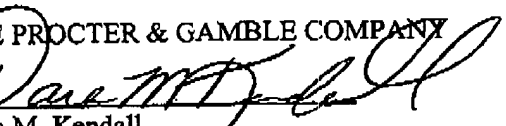
Conclusion

In light of the above remarks and amendments to the specification, it is requested that the Examiner reconsider and withdraw the double patenting rejection as well as the objection to claims 7-10 as no prior art was cited in the latest Office Action. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 -11 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

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